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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,651	02/22/2000	Klaus Doelle	VOI0148.US	1552

7590

04/19/2004

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EXAMINER
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AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

69/510651

Applicant(s)

Roello

Examiner

Alors, g

Art Unit

3625

MLU

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 1/7/04
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election require.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This action is issued in reply to applicant's Response(Paper #4) filed 1/7/04.
- 2.No claims were amended. None were added. None were deleted.
3. Original claims 1-19 are pending.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-19 are rejected under 35 USC 103(a) as unpatentable over Carlsmith(US Pat. No: 5,810,973) in view of Shackford(US Pat. No: 5,944,952)..

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6. As per claims 1-19 Carlsmith teaches a stock preparation monitoring system(Abstract) (Figs 1-9)(col 3 line 54-col 4 line 54) as well as an apparatus to produce elongated multi-fiber particles(Fig 1) and a means of processing the stock by ozone bleaching(col 3 lines 54-66) as well as ozone consumed as a function of time at various concentrations(Fig 9). Carlsmith teaches that experimentation through sensing physical parameters has shown that charges of pulp in excess of measured 30 grams of wood pulp will cause sufficient bridging to create frictional drag in the machine to bend pins causing replacement to be necessary(col 3 lines 25-30).Carlsmith also teaches that

Art Unit: 3625

high speed pin rotor machines experience plugging during operation(col 3 lines 38-45).Carlsmith teaches rotating the pin rotor within the contactor at a predetermined(preset as measured) tangential velocity that is sufficiently large to retard pulp movement downwardly within the contactor(col 4 lines 5-11).Carlsmith teaches a laboratory scale version of his invention(Fig 1/10)(col 4 line 65-col 5 line 15).Carlsmith teaches that the rotating annulus of high consistency wood pulp also experiences a frictional drag on the surface(Fig 4/25) where the annulus (Fig 4/28) rotates at a velocity  $V_2$  which is less than the velocity  $V_1$ , creating a differential velocity  $V_3(V_1-V_2)$  between the pins and pulp that results in a combing action between the pin tips and the annulus and produces wear(col 6 lines 10-24).Carlsmith teaches measured values of pulp with different clearances of measured values that determined motor performance(col 8 lines 6-60).Carlsmith also teaches a required size may be calculated from loading which may be measured for fluffing to occur(col 9 line 6) as a measurement of a physical parameter which could be then sensed. In addition to that taught by Carlsmith, Shackford also teaches that the residence time within the fluffer blower, and reactor prior to the pulp falling on the fluffed bed is 5 seconds by measurement(col 5 lines 37-41). Shackford also determined the bleaching kinetics of ozone as the measurement of a physical parameter(reaction kinetics)(col 6 lines 20-col 7 line 25).Shackford also teaches experimentally by measured sensing determining that it is desirable to consume 80-90% of a given ozone dose while the pulp is in an agitated gas-suspended mixture such as that which exists within the contactor(col 9 lines 56-col 10 line 19).Such measurements of physical parameters are addressed which could also be

sensed. Shackford further teaches this method of measuring physical parameters (Fig 2) (col 6 line 20-col 7 line 25) including consumption rates for O<sub>3</sub> for various concentrations (Fig 2) as well as the bleaching system for this process (Fig 3) and ozone-bleaching kinetics (Fig 6). It would have been obvious to one skilled in the art at the time of the invention to combine Carlsmith in view of Shackford to teach applicant's disclosure and to specifically apply the parameter measurement device to be wireless. The motivation to combine is to teach a stock monitoring system whereby improved processing of stock is attained as enunciated by Shackford (col 3 lines 10-32).

### ***Double Patenting***

7. Claims 1-19 are also rejected under the judicially created doctrine of double patenting over claims 1-37 of U. S. Patent No. 6,267,847 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: a stock preparation system is disclosed in the prior patent to Doelle and in the present disclosure. Insufficient detail is provided in the current conception to distinguish the current application from the prior patent.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

***Response to Arguments***

8. Applicant's arguments have been considered but are not persuasive.

Carlsmith teaches that experimentation through sensing physical parameters has shown that charges of pulp in excess of measured 30 grams of wood pulp will cause sufficient bridging to create frictional drag in the machine to bend pins causing replacement to be necessary(col 3 lines 25-30).Carlsmith also teaches that high speed pin rotor machines experience plugging during operation(col 3 lines 38-45).Carlsmith teaches rotating the pin rotor within the contactor at a predetermined(preset as measured) tangential velocity that is sufficiently large to retard pulp movement downwardly within the contactor(col 4 lines 5-11).Carlsmith teaches a laboratory scale version of his invention(Fig 1/10)(col 4 line 65-col 5 line 15).Carlsmith teaches that the rotating annulus of high consistency wood pulp also experiences a frictional drag on the surface(Fig 4/25) where the annulus (Fig 4/28) rotates at a velocity  $V_2$  which is less than the velocity  $V_1$ , creating a differential velocity  $V_3(V_1-V_2)$  between the pins and pulp that results in a combing action between the pin tips and the annulus and produces wear(col 6 lines 10-24).Carlsmith teaches measured values of pulp with different clearances of measured values that determined motor performance(col 8 lines 6-60).Carlsmith also teaches a required size may be calculated from loading which may be measured for fluffing to occur(col 9 line 6) as a measurement of a physical parameter which could be then sensed.

Shackford teaches that the residence time within the fluffer blower, and reactor prior to the pulp falling on the fluffed bed is 5 seconds by measurement(col 5 lines 37-41). Shackford also determined the bleaching kinetics of ozone as the measurement of a physical parameter(reaction kinetics)(col 6 lines 20-col 7 line 25).Shackford also teaches experimentally by measured sensing determining that it is desirable to consume 80-90% of a given ozone dose while the pulp is in an agitated gas-suspended mixture such as that which exists within the contactor(col 9 lines 56-col 10 line 19).Such measurements of physical parameters are addressed by Shackford also which could also be sensed.

**Conclusion**

**9. THIS ACTION IS MADE FINAL.**

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10. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

April 19,2004



**DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER**